

THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
BRYSON CITY DIVISION  
CIVIL CASE NO. 2:12-cv-00022-MR-DLH

CLINT AVERY HOLCOMBE, )  
                                )  
Plaintiff,                 )  
                                )  
vs.                         )                           ORDER OF REMAND  
                                )  
CAROLYN W. COLVIN, Acting )  
Commissioner of Social Security, )  
                                )  
Defendant.<sup>1</sup>                 )  
                                )  
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**THIS MATTER** is before the Court on the Defendant's Agreed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 4059(g) with Reversal and Remand of the Cause to the Defendant [Doc. 20].

Sentence four of 42 U.S.C. § 405(g) provides, in pertinent part, that “[t]he court shall have power to enter, upon the pleadings and transcript of the record, a judgment affirming, modifying, or reversing the decision of the Commissioner of Social Security, with or without remanding the cause for a

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<sup>1</sup> Carolyn W. Colvin became the Acting Commissioner of Social Security on February 14, 2013. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and the last sentence of 42 U.S.C. § 405(g), Colvin is hereby substituted for Michael J. Astrue as the Defendant in this suit.

rehearing." The Defendant here has moved for reversal of the decision and for remand of this case for further administrative proceedings.

The Court finds that remand is appropriate. See Melkonyan v. Sullivan, 501 U.S. 89, 111 S.Ct. 2157, 115 L.Ed.2d 78 (1991). Upon remand to the Commissioner, the Appeals Council shall instruct the Administrative Law Judge to give the Plaintiff an opportunity for a new hearing, further develop the record, and issue a new decision. The ALJ further shall be instructed to: (1) obtain testimony from a psychological medical expert regarding the nature and severity of the Plaintiff's mental impairments; (2) assess any limitations associated with the Plaintiff's mental impairments relevant to the period at issue; (3) evaluate further the Plaintiff's mental impairments; (4) if warranted, obtain supplemental vocational expert testimony; and (5) if the Plaintiff is found disabled, conduct the further proceedings required to determine whether drug addiction and alcoholism are contributing factors material to the finding of disability.

**IT IS, THEREFORE, ORDERED** that the Defendant's Agreed Motion for Entry of Judgment under Sentence Four of 42 U.S.C. § 4059(g) with Reversal and Remand of the Cause to the Defendant [Doc. 20] is **GRANTED**.

**IT IS FURTHER ORDERED** that the decision of the Commissioner of Social Security is hereby **REVERSED** and this case is hereby **REMANDED** for further administrative proceedings, consistent with this Order.

The Clerk of Court shall enter a separate Judgment of Remand simultaneously herewith, thereby closing the case.

**IT IS SO ORDERED.**

Signed: March 5, 2013



Martin Reidinger  
United States District Judge

